

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

<b>DePuy Mitek, Inc.</b>	)	
<b>a Massachusetts Corporation</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil No. 04-12457 PBS</b>
	)	
<b>Arthrex, Inc.</b>	)	
<b>a Delaware Corporation and</b>	)	
	)	
<b>Pearsalls Ltd.</b>	)	
<b>a Private Limited Company</b>	)	
<b>of the United Kingdom</b>	)	
	)	
<b>Defendants.</b>	)	

**DePuy Mitek's Certification Of Good Faith Conference In  
Support Of Its Motion For Leave And Motions To Strike**

DePuy Mitek, Inc.'s counsel certifies that it met and conferred by telephone in good faith with Arthrex's counsel on September 21, 2006 regarding the following Mitek motions:

1. Mitek's Motion For Leave to File A Reply To Plaintiff DePuy Mitek's Motion To Strike Hearsay Exhibit And All Citation And Commentary Thereto and Mitek's Motion to Strike Hearsay Exhibit;
2. DePuy Mitek's Motion to Strike Arthrex's Reliance On Its Own Interrogatory Contentions and Dr. Mukherjee's TigerWire Opinions In Opposition to DePuy Mitek's Motion For Summary Judgment of Infringement and No Inequitable Conduct; and
3. Mitek's Motion to Strike Dr. Mukherjee's Declarations and Exhibits.

Although the parties met and conferred regarding the three motions, they were not able to resolve any of them.

Dated: September 22, 2006

DEPUY MITEK, INC.,  
By its attorneys,

/s/ Erich M. Falke  
Dianne B. Elderkin  
Lynn A. Malinoski  
Michael J. Bonella  
Erich M. Falke  
WOODCOCK WASHBURN LLP  
One Liberty Place - 46th Floor  
17th and Market Streets  
Philadelphia, PA 19103  
(215) 568-3100

Daniel J. Gleason (BBO #194900)  
Michelle Chassereau Jackson (BBO  
#654825)  
Nutter McClennen & Fish LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, MA. 02210-2604  
617-439-2000

**CERTIFICATE OF SERVICE**

I certify that I am counsel for DePuy Mitek, Inc. and that a true and correct copy of:

**DePuy Mitek's Certification Of Good Faith Conference In  
Support Of Its Motion For Leave And Motions To Strike**

was served on counsel for Defendants Arthrex, Inc. and Pearsalls Ltd. on this date via the Court's e-mail notification with the following recipients being listed as filing users for Defendants:

Charles W. Saber  
Dickstein Shapiro  
1825 Eye Street, NW  
Washington, DC 2006  
[saberc@dicksteinshapiro.com](mailto:saberc@dicksteinshapiro.com)

Raymond P. Ausrotas  
Todd & Weld LLP  
28 State Street, 31<sup>st</sup> Floor  
Boston, MA 02109  
[rausrotas@toddweld.com](mailto:rausrotas@toddweld.com)

Dated: September 22, 2006

/s/ Erich M. Falke

Erich M. Falke